

REMARKS

Claims 25, 27, 29 through 33, 35 through 41, and 43 through 61 are pending in this Application. Claims 26, 34, and 42 have been cancelled without prejudice or disclaimer, and claims 25, 27, 29 through 33, 35, 41, 45 through 53, and 57 have been amended. Care has been exercised to avoid the introduction of new matter. Adequate descriptive support for the present Amendment should be apparent throughout the originally filed disclosure as, for example, FIG. 3, and ¶¶ [0033] through [0042] of the corresponding US Pub. No. 20040137887. Applicant submits that the present Amendment does not generate any new matter issue.

Personal Interview of October 13, 2009.

Applicant expresses appreciation for the courtesy of the Examiner in granting and conducting a personal interview on October 13, 2009. During the interview, the Examiner indicated that the present claim amendments would overcome the rejections of record. It is with that understanding that the present Amendment is submitted.

Claims 25 through 32, and 49 through 52 were rejected under the first paragraph of 35 U.S.C. §112 for lack of adequate written description for a “computer readable medium”.

Applicant respectfully traverses this rejection. In response, the recitation of “A computer readable medium” has been replaced by “a computer readable **storage** medium carrying one or more sequences of one or more instructions”, thereby overcoming the stated basis for the rejection. The recitation of “a computer readable **storage** medium” is fully supported by at least “URI could be **stored** by the user agent 10” described in ¶ [0026] of the corresponding publication.

The disclosed embodiments have been thoroughly described with respect to communications, for example, involving a server and multiple terminals. It is well-known that a server is a computer that would utilize a computer readable storage medium to run certain instructions in performance of certain functions. Additionally, one of ordinary skill in the art would immediately recognize that the communication terminals possess logic and memory to perform computing functions and these functions would be captured in a computer readable medium.

It is therefore apparent that one having ordinary skill in the art would clearly understand from the originally-filed disclosure that Applicant had possession of the claimed invention at the time of filing. Applicant therefore submits that the imposed rejection under the first paragraph of 35 U.S.C. § 112 for lack of adequate written description is not factually viable and, hence, solicits withdrawal thereof.

Claims 25 through 27, and 29 through 48 were under 35 U.S.C. § 103(a) for obviousness based on *Chung et al.* (US 2002/0078153, “*Chung*”) in view of *Riikonen et al.* (US 20030123488, “*Riikonen*”).

In stating the rejection, the Examiner asserted that one having ordinary skill in the art would have been led to modify *Chung*’s multiparty communication system by including *Riikonen*’s caller terminal that sends a SIP invite message to a callee terminal by direct communication (including a network address), to provide fast and efficient communication services. Applicant respectfully traverses this rejection.

The claimed inventions employ the server (12)-agent (10/11)-resource (13) architecture as shown in FIG. 3 to provide advantages over the prior art peer-to-peer architecture shown in FIG.

1 and the prior art central server architecture shown in FIG. 2. In particular, the terminal 10 obtains a network address of the resource 13 from the server 12, sends the network address directly to another terminal 11 such that both terminals 10 and 11 can separately send to the resource 13 a request for conference call and get acknowledgement therefrom (¶¶ [0033] through [0042], claim 34), **without** further involvement of server 12. For example, server 12 is operated by a communication service provider, and resource 13 is operated by another communication service provider, an internet service provider, or a corporation. In this case, the server and the resource can bill the terminals 10 and 11 separately for their respective services.

Accordingly, independent claims 26, 33, and 41 recite, *inter alia*: “after receiving the second message, transmitting a first request from the first terminal directly to the resource at the network address; **after receiving an acknowledgement of the first request directly from the resource**, transmitting from the first terminal to at least one other terminal a third message comprising the network address; and **after the resource sending out directly to the at least one other terminal an acknowledgement of a second request directly sent from the at least one other terminal, causing at least in part by the first terminal a connection from the first terminal to the at least one other terminal via the resource to establish a conference call between the first terminal and said at least other terminal.**”

Applicant respectfully submits that none of the applied references, taken singly or in any combination, disclose or suggest the above-described features of two terminals communicating **directly** with the resource, and directly sending any requests or acknowledgements of requests therebetween. Specifically, *Chung* provides a control server (110)-agent (170/180)-communication server (120) architecture. The communication controller 114 in the control server 110 arguably corresponds to server 11 of the claimed inventions, and the MCU/resource 124 in

the communication server 120 arguably corresponds to resource 13 of the claimed inventions. However, unlike the claimed inventions, neither client A (FIG. 6) nor client B (FIG. 7) in *Chung* communicates **directly** with MCU/resource 124, let alone directly sending any requests or acknowledgements of requests therebetween, as recited in the independent claims.

The embodiment depicted in FIG. 8 of *Chung* only involves exchanging text messages. It does not involve conference calls.

The secondary reference to *Riikonen* does not cure the previously argued deficiencies of *Chung*. *Riikonen* is said to disclose the caller terminal that sends a SIP invite message to a callee terminal by direct communication. *Riikonen* only shows the prior art peer-to-peer architecture in FIG. 1 and the prior art central server architecture in FIG. 2. Since there is no resource separated from the server, *Riikonen* cannot have the caller or callee directly communicate with such a resource. *Riikonen* is simply silent about two terminals communicating **directly** with the resource, and directly sending any requests or acknowledgements of requests therebetween as recited in the independent claims.

It is therefore apparent that even if the applied references are combined as proposed by the Examiner, and Applicant does not agree that the requisite realistic motivation has been established, the claimed invention would not result. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044 (Fed. Cir.1988). Applicant, therefore, submits that the imposed rejection of claims 25 through 27, and 29 through 48 under 35 U.S.C. § 103 for obviousness based on *Chung* in view of *Riikonen* is not factually or legally viable and, hence, solicits withdrawal thereof.

Claims 49 through 60 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Chung* in view of *Gourraud* (US 2004/0037406, “*Gourraud*”).

In stating the rejection, the Examiner asserted that one having ordinary skill in the art would have been led to modify *Chung*'s multiparty communication system by including Gourraud's network address that is a dynamically generated uniform resource identifier (URI), to have the conference identifier always associated to the participants currently involved in the conference call. Applicant respectfully traverses this rejection.

Independent claims 49, 53, and 57 recite, *inter alia*: **“receiving directly by the resource at the network address a first request from the first terminal that has transmitted the second message; sending an acknowledgement of the first request directly from the resource to the first terminal; receiving by the resource a second request directly from the at least one other terminal that has received from the first terminal a third message comprising the network address; sending an acknowledgement of the second request directly from the resource to the at least one other terminal; causing at least in part by the resource a connection from the first terminal to the at least one other terminal therethrough to establish a conference call between the first terminal and said at least other terminal.”**

Independent claims 49, 53, and 57 recite the features of two terminals communicating directly with the resource, and directly sending any requests or acknowledgements of requests therebetween as recited in the independent claims 26, 33, and 41. Applicant incorporates herein the arguments previously advanced in traversing the imposed rejection of claims 26, 33 and 41 under 35 U.S.C. § 103 for obviousness based primarily on *Chung*.

The secondary reference to *Gourraud* does not cure the previously argued deficiencies in *Chung*. *Gourraud* only provides a paging model on top of an on-going conference call (Abstract; ¶ [0030]), rather than any architecture for establishing a conference call as the claimed

inventions. Accordingly, even if the applied references are combined as proposed by the Examiner, and again Applicant does not agree that the requisite basis to support the asserted motivation has been established, the claimed invention would not result. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, *supra*. Applicant, therefore, submits that the imposed rejection of claims 49 through 60 under 35 U.S.C. § 103 for obviousness predicated upon *Chung* in view of *Gourraud* is not factually or legally viable and, hence, solicits withdrawal thereof.

Claim 61 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Chung* in view of *Iveland et al.* (US 2003/0026214, “*Iveland*”).

This rejection is traversed.

Specifically, claim 61 depends from independent claim 33. Applicant incorporates herein the arguments previously advanced in traversing the imposed rejection of claim 33 under 35 U.S.C. § 103 for obviousness based primarily on *Chung*. The secondary reference to *Iveland* does not cure the previously argued deficiencies in *Chung*. Accordingly, even if the applied references are combined as proposed by the Examiner, and again Applicant does not agree that the requisite basis to support the asserted motivation has been established, the claimed invention would not result. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, *supra*. Applicant, therefore, submits that the imposed rejection of claim 61 under 35 U.S.C. § 103 for obviousness predicated upon *Chung* in view of *Iveland* is not factually or legally viable and, hence, solicits withdrawal thereof.

Based upon the foregoing, it is apparent that the imposed rejections have been overcome, and that all pending claims are in condition for allowance. Favorable consideration is therefore solicited. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at 703-519-9954 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

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